THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22540 OF 2005

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DATED: 19-10-2005.

Between:

N. Penta Reddy …Petitioner

And

The District Collector & District Election Officer,

(Cooperative Societies Elections), Ranga Reddy

District at Khairatabad,

Hyderabad and four others …Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22540 of 2005

ORDER:

The grievance of the petitioner is that 4th respondent (Election Officer) is not passing an order on the question of disqualification under Section 21(a) of the 5th respondent who is contesting the election to the 3rd respondent cooperative society.

Since the election process has already begun and the question relating to the validity of an order accepting or rejecting a nomination on the ground of the qualification or disqualification of a candidate in election cannot be decided in a petition under Article 226 of the Constitution of India, and since the remedy of the petitioner in such a case is only by way of election petition as held by this court in ***"A.P.SARPANCHAS ASSOCIATION AND OTHERS v.GOVERNMENT OF A.P., PANCHAYAT RAJ DEPARTMENT AND OTHERS"*** ,

"***GUTTAKONDA KANAKA DURGA v. STATE ELECTION COMMISSIONER, GOVERNMENT OF A.P., HYDERABAD AND OTHERS"*** and by the Apex Court in ***"C. SUBRAHMANYAM v. K. RAMANJANEYULU AND OTHERS",*** the petitioner is not entitled to the relief sought and hence the petition is liable to be dismissed.

Accordingly, the petition is dismissed. No order as to costs.

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C.Y. SOMAYAJULU, J.

Dated: 19-10-2005.

RNS